

AMENDMENTS TO THE DRAWINGS

Submitted herewith please find one replacement drawing sheet in compliance with 37 C.F.R. § 1.84. The Examiner is respectfully requested to acknowledge receipt of these drawings. The submitted drawing is intended to replace the drawing previously submitted on October 5, 2007.

Attachment: One Replacement Drawing Sheet (FIGS. 1 and 2)

REMARKS

Formal Matters

Claims 1, 2 and 5-25 are all the claims pending in the present Application. Claims 2 and 5-14 are hereby amended to correct minor informalities.

Applicant thanks the Examiner for acknowledging receipt of the priority documents submitted under 35 U.S.C. § 119.

Objection to Drawing

The Examiner asserts that Fig. 1 illustrates only that which is old, and that an appropriate legend is, therefore, required. Applicant herewith submits one replacement drawing sheet including such a legend on Fig. 1. Applicant, therefore, respectfully requests that the Examiner withdraw this objection.

Claim Objections

Claims 2 and 5-14 are objected to by the Examiner for certain informalities. Claims 2 and 5-14 are hereby amended in response to the Examiner's objection. Accordingly, Applicant respectfully requests that the Examiner withdraw these objections.

Claim Rejections Under 35 U.S.C. § 102

Claim 25 stands rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent No. 6,738,355 to Love et al. ("Love"). Applicant traverses this rejection for at least the following reasons.

Claim 25 requires, inter alia, the following:

[M]easurement means for performing measurements, in accordance with configuration data;

determination means for determining that one or more packets transmitted along the said path form a signaling message;
and

signaling means for determining said configuration data
from said signaling message.

(emphasis added.)

The Examiner contends that these elements of claim 25 are taught by Love, citing col. 5, line 56 - col. 6, line 7, and col. 4, lines 17-36 of Love. Specifically, the Examiner points to col. 4 of Love as allegedly teaching that either the start hash mask, derived from observations of normal traffic data, or the event trigger, corresponds to the configuration data of claim 25.

Claim 25, however, clearly requires that the configuration data be determined “from said signaling message.” The cited portion of Love clearly indicates that the start hash mask of Love is derived from observations of “normal traffic data.” Thus, neither the start hash mask nor the event trigger of Love can correspond to the configuration data of claim 25.

Furthermore, claim 25 requires “determination means for determining that one or more packets . . . form a signaling message.” (emphasis added.) Love fails to teach any component of a measurement probe for determining that packets form a signaling message, and the Examiner has provided no citation or evidence to the contrary.

Thus, Love fails to teach each and every required element of claim 25 and, therefore, fails to anticipate claim 25. Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection.

Allowable Subject Matter

Applicant thanks the Examiner for the allowance of claims 1 and 15-24, and for the indication that claims 2 and 5-14 would be allowable if rewritten to overcome the objections of the instant Office Action.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

This Application is being filed via the USPTO Electronic Filing System (EFS). Applicants herewith petition the Director of the USPTO to extend the time for reply to the above-identified Office Action for an appropriate length of time if necessary. Any fee due under 37 U.S.C. § 1.17(a) is being paid via the USPTO Electronic Filing System (EFS). The USPTO is also directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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